

## CORRESPONDENCE/MEMORANDUM

STATE OF WISCONSIN

DATE: December 15, 1987

FILE REF: 3200

TO: Interested Parties

FROM: Duane Schuettpeiz, Chief  
Surface Water Quality Standards & Monitoring Section  
Department of Natural Resources

US EPA RECORDS CENTER REGION 5



470269

SUBJECT: Rules for Water Quality Based Effluent Limits

Your name was on our list as having requested a copy of proposed Ch NR 105. The Department is drafting two administrative rules:

- ° Chapter NR 105 - Surface Water Quality Criteria for Toxic and Organoleptic Substances, and
- ° Chapter NR 106 - Water Quality Based Effluent Limits for Toxicant and Organoleptic Substances

The following is information on the history and content of these two rules.

Chapter NR 105 proposes ambient concentrations (criteria) of toxic substances which shall be maintained to protect surface water quality and the uses of surface waters. A draft of Chapter NR 105 was distributed to interested parties in October of 1986. Public information meetings were held in December 1986. The Natural Resources Board authorized public hearings to be held provided an advisory committee technically review the draft. A Technical Advisory Committee reviewed the rule proposal during April-September 1987. The Technical Advisory Committee was composed of representatives from many groups including industry, the University of Wisconsin, municipalities, and environmental groups. Ch. NR 105 was then redrafted by the Department. In redrafting Chapter NR 105, the recommendations of the Advisory Committee were utilized to the extent possible given state and federal obligations and responsibilities.

Chapter NR 105 was the subject of public hearings in November and early December in 1987. These public hearings were held on November 30 in Waukesha, December 1 in Green Bay, and December 2 in Eau Claire. As a result of these hearings and other factors, two additional hearings were scheduled and the deadline for written comments was extended to January 22, 1988. The attached notice includes more information on the two additional hearings.

The purpose of Chapter NR 106 is to specify how water quality based effluent limitations for discharge to surface waters will be calculated and imposed in Wisconsin surface water discharge permits. A draft report discussing the issues regarding derivation of these limits was reviewed by the Technical Advisory Committee. Permission from the Natural Resources Board will be requested at the December 1987 Natural Resources Board meeting for authorizing public hearings on Chapter NR 106. It is anticipated, if approved, that public hearings on Chapter NR 106 would be scheduled in February, 1988.

A copy of proposed Ch. NR 105 and draft Ch NR 106 is available and can be obtained by calling (608) 267-7610 and leaving your name and mailing address.

DS:CS/jmc/1193E

BEFORE THE  
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PUBLIC HEARINGS  
WR-10-87

NOTICE IS HEREBY GIVEN that pursuant to ss. 144.025(1) and (2) and 227.11(2) (a), Stats., interpreting ss. 144.025(1) and (2) and 147.04, Stats., the Department of Natural Resources will hold public hearings on revisions to ss. NR 102.02, 102.03 and 104.02 and the creation of ch. NR 105, Wis. Adm. Code, pertaining to surface water quality criteria for toxic and organoleptic substances. The existing water quality standards rules (chs. NR 102-104) contain a mixture of information, surface water goals and standards, and effluent limitations.

The present requirements for toxic substances within ch. NR 102 are general narrative statements only. The proposed revisions to ss. NR 102.02 and 102.03 include creation of the subcategories of aquatic life uses established for describing Wisconsin's surface waters and for developing different criteria for each of these subcategories. The species of aquatic life associated with each of these communities designates the levels of protection or the criteria necessary to protect those species. Modifications also include creation of a use category for animal uses and human uses which include drinking the water and eating food (primarily fish) from surface waters. Other modifications to chs. NR 102 and 104 are necessary to reference ch. NR 105 and specify which types of surface waters must meet the different types of criteria created by ch. NR 105.

Chapter NR 105 specifies the general narrative standard found in ch. NR 102 which prohibits concentrations of substances in surface waters which are toxic or harmful. Chapter NR 105 establishes procedures by which the Department may derive water quality criteria for toxic substances. Procedures for deriving criteria and numerical criteria are set forth for substances which are acutely or chronically toxic to aquatic life and wild and domestic animals; for substances which may adversely affect humans or may cause an increased risk of cancer to humans, and for substances which may impact undesirable tastes or odors to surface waters or aquatic organisms ingested by humans. The numerical criteria for each of these substances are the ambient concentrations necessary to protect surface waters. The procedures are set forth for deriving numerical criteria for substances where the data on which criteria are based are not extensive and codification is not warranted until additional data becomes available.

Surface water quality criteria are used to develop and impose water quality based effluent limits. These limits are more stringent than categorical effluent limits. Water quality criteria are also used in other surface water quality management programs.

NOTICE IS HEREBY FURTHER GIVEN that pursuant to s. 227.114, Stats., the proposed rule may have an impact on small businesses. The initial regulatory flexibility analysis as required by s. 227.17(3)(f), Stats., is as follows:

a. Types of small businesses affected: Businesses which discharge toxicants to surface water.

b. Description of reporting and bookkeeping procedures required: No new procedures are required; however, compliance, monitoring and reporting requirements will likely increase.

c. Description of professional skills required: No new skills will be required.

NOTICE IS HEREBY FURTHER GIVEN that the hearings will be held on:

January 12, 1988 - Room 027, GEF #2, 101 S. Webster St., Madison, WI  
Tuesday at 1:00 p.m.

January 14, 1988 - Room 2327, Northeast Wisconsin Technical College, 2740 W. Mason,  
Thursday Green Bay, WI at 6:00 p.m.

Written comments on the proposed rule may be submitted to Ms. Candy Schrank, Bureau of Water Resources Management, P.O. Box 7921, Madison, WI 53707 no later than January 22, 1988. Written comments will have the same weight and effect as oral statements presented at the hearings. A copy of the proposed rule and fiscal estimate may be obtained by writing the Bureau of Water Resources Management, P.O. Box 7921, Madison, WI 53707 or by calling (608) 267-7610.

Dated at Madison, Wisconsin

November 30, 1987

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny  
Carroll D. Besadny, Secretary